

February 6, 2006

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Knowles presiding and members Askren, Tucker, Rueger, Angel, and Cooper attending. Others attending were Attorney Funkhouser; Chief Beloit; Chief Webber; Supt. Gray; Betty Johnson; Belinda Jones; Wendy Wightman; Matt Coyle; Jacob Christian; Paula Rudibaugh; Jim O'Connor - Countrymark; Ryan Harms; Sis Claxton; Ann Blackburn; Ryan Emery; Vince Schu - Consolidated Grain & Barge; Larry Williams; Beth Folz - McFadin Higgins & Folz; Phil Wilzbacher; Lorelei Barnes; Jamie Grabert - Posey County News; Tiffani Eisenhut - Mount Vernon Democrat; and Chris Janak - Bose McKinney; and arriving during the meeting, Beth McFadin Higgins.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Board should approach the podium and state their name and the nature of their business.

Mayor Knowles stated they will now hear the reports of the Standing Committees.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairman Tucker stated he has no report.

Chief Webber stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Street/Light Chairman Angel stated he has no report.

Mayor Knowles stated she excused Comm. Epison for his wife's birthday. She then asked if there were any questions ?

There were none.

Sewer Chairman Rueger stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles asked if the Financial Report was ready yet ?

Clerk-Treasurer Wolfe replied no, not yet.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the Agenda is discussion on painting the curb at Southwind Shopping Center.

Attorney Funkhouser stated the people responsible will paint that.

Mayor Knowles added the property is in transition right now and the new owners are going to be making many improvements. She added Attorney

Hudson was at the last Board of Works meeting about this and everyone agreed that the new owners would improve the curb.

Mayor Knowles stated the next item is discussion/update on the purchase of the property that had been approved at the last meeting.

Attorney Funkhouser reported the contract is almost finished as well as the 20 day wait period for contesting. He stated when the survey is done, it will be inserted into the contract, a three year contract.

Beth McFadin Higgins arrived at the meeting.

Mayor Knowles added the gentleman doing the environmental work will be going over things with her.

Councilman Cooper asked if the property owners still have 20 days to contest ?

Attorney Funkhouser replied no, the 20 days was up today.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles stated Chris Janak is present and would like to address the Council.

Mr. Janak stated he is present with good news. He added he will start with the west side annexation. He continued by stating in September the Council introduced the annexation ordinance, they conducted a public hearing in December as well. He then stated the city has been in discussion with Countrymark, and at that time, they were willing to pay the city \$20,000 in lieu of being annexed. He added Bonar was then authorized to analyze their offer and then more discussions were held. He stated they are offering a signed agreement tonight (Countrymark) at an annual payment of \$60,000, with the city receiving \$30,000 each from Countrymark and Building Materials. He added this should be paid this week, and each year, the payment goes up, with a benefit to the city of \$250,000 in total. He stated if the city decides to go ahead with the annexation, the city will get their money, but they will also be out money for the capital improvements that will

have to be made to accommodate that annexation. He added that the agreement allows that the city not provide any city services, but still get their money. He did state however, the payment would be less than the tax bill would be, but again, Countrymark and Building Materials will not be receiving any city services either, the agreement would bring more money to the city.

Mr. Janak stated the Council needs to consider this four year agreement, not 20 years, and get with Countrymark again in three years for another agreement or to once again consider annexation. He added financially the agreement makes a lot more sense than annexing, but again, the Council can revisit this again in three or four years.

Mr. Janak added there is no signed agreement yet with Building Materials, though it is an identical agreement to Countrymark. He added if the Council feels this is acceptable, he would need a motion to authorize the Mayor to sign the agreement and collect the money, which will be put into the General Fund.

Councilman Tucker questioned the rest of the planned annexation in that area ?

Mr. Janak replied it could go forward, but effectively this agreement would stop the remaining annexation out there. He added which also means no capital outlay for the city, if it were to be put on hold. He added the Council could always revisit this or they could have a special meeting to forward with the annexation.

Councilman Tucker stated he thought there was a warehouse out there that part of it was in the city and part of it was in the county - he thought the annexation would clear that up.

Mayor Knowles stated when she contacted the coliseum they indicated that problem had been rectified, though Barry Cox does not think it was fixed.

Chief Webber stated eight years ago dispatch sent the Mount Vernon Fire Department to the front half of the building only, but again, that was eight years ago.

Councilman Rueger added that the dispatch computers are not always right.

Mayor Knowles again stated she was told it was rectified.

Mr. Janak stated in reference to Councilman Tucker's concern, yes, it would put aside annexing Countrymark and Building Materials, but that does not mean the city can not annex others, but the current annexation will be put on hold.

Councilman Tucker stated he thought it was a priority to square off these kinds of things. He then added that if the city does pursue other annexations, they could put some of the money back to provide services in other areas.

Mayor Knowles replied they could budget for that next year.

Councilman Cooper asked if the Clerk-Treasurer got in touch with State Board of Accounts on how this money could be used ?

Clerk-Treasurer Wolfe replied she emailed Mr. Pride last Thursday about how, where, etc., the money could be used and he admitted that even he was stumped on this one. She added he was going to do some checking and get back with her.

Mr. Janak replied the money will be outside the city's levy, it could be used for many other things.

Mayor Knowles added she was thinking along the lines of sidewalks and curbing, as well as storm sewer work. She added she would welcome comments on the best use for the money.

Councilman Cooper asked if they could hold onto the money until State Board of Accounts says what they can do with it and where they should put it ?

Clerk-Treasurer Wolfe replied if that is what the Council wishes.

Councilman Cooper stated he would also like to see it put to its best use.

Mr. Janak stated if the agreement is acceptable to the Council, if not, the Council can always go to Plan B. He added Building Materials check needs to be to the city tomorrow.

Councilman Angel moved the Council accept the Agreements with Countrymark and Building Materials in lieu of annexation and that Mayor Knowles be authorized to sign. Seconded by Councilman Rueger.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Mr. Janak added he will let the Mayor know tomorrow about Building Materials.

Mr. Janak continued by stating he would like to update the Council on the eastside annexation, the Buckley Project. He added Mr. Buckley is ready to move forward, and so the Council indicated in that case, the annexation would go forward. He stated there are 35 parcels involved and he and the Mayor have met with all of them, 32 have signed now. He added the other three agreed to sign, which is good. Therefore, the annexation is remonstrance proof, which would mean the annexation would occur in 65 to 70 days. He then stated that construction can not start until the annexation is complete, they may need to have a Special Meeting before the next regular Council meeting. He also stated he does not need to be present for that, the ordinance just needs to be introduced.

Mayor Knowles stated there are three weeks in between meetings this time, it could affect construction schedules.

Mr. Janak state he will touch base with the Council later in the week.

Councilman Rueger stated he feels the Council owes it to the Buckleys to move things along and have a special meeting.

Councilman Tucker stated if the Council changes attorneys as well, he wondered what Attorney Higgins' schedule was like.

Councilman Cooper stated they can check with the attorneys and see what is good for them.

Mr. Janak thanked the Council.

Councilman Cooper stated the Utility Board approved the proposal from McFadin Higgins & Folz, for attorney services, and he moves that the Council also accept the proposal for Council attorney. Seconded by Councilman Tucker.

Mayor Knowles asked if there was any discussion ?

Attorney Funkhouser stated this is a little different from the Utility Board, he feels the Council needs to clarify the scope of his services and where the money will be coming from, etc.

Councilman Cooper stated Ms. McFadin Higgins will not be on retainer, she will only be called if the Council needs an attorney and paid on an hourly rate.

Attorney Funkhouser questioned his retainer, the Council is not asking him not to take the rest of his retainer, correct ?

Councilman Cooper replied that Attorney Higgins is not asking for a retainer.

Mayor Knowles added there is no budget set up for that.

Attorney Funkhouser stated he needs to know for the future of his law firm, etc., what is coming my way, money wise.

Councilman Tucker stated the Council accepted McFadin Higgins & Folz, and that means they will then represent the Council in legislative/budgetary matters.

Mayor Knowles stated she made the new Law Budget this year and the Council can not lower that budget, they can not take all of that budget and give it to themselves. She added they would be inhibiting her ability to do her job.

Attorney Funkhouser stated there are 60 hours that he has not been compensated for and he does not want his work load to continue where it is and not get compensated for it, he is not complaining, just stating it for the record. He added he needs to be able to calculate his income.

Mayor Knowles stated she spoke with Jodie at IACT who informed her that the attorney fees should be removed from the Board of Works budget, well, the Council then moved the fees to the Council budget, she then moved them to the newly formed Department of Law budget. She asked Attorney Higgins where the money would come from to pay her.

Attorney Higgins replied that she and Attorney Funkhouser had a conference last Friday and they are looking forward to the opportunity to work together. She added they do not want duplications, or doubling of the same work, rather a work division. She stated as the attorney for the Council, the legislative/fiscal body, she will draft ordinances, answer questions on ordinances, etc., there really is no direct division, only because there is usually only one attorney.

Attorney Funkhouser stated he can contact other towns that may have this similar situation.

Attorney Higgins stated she has a call into Jodie at IACT on this, and actually, several mayors and council have different attorneys.

Mayor Knowles added there is currently no line in any budget for Council attorney.

Attorney Higgins stated a line could be created by additional appropriation.

Mayor Knowles stated that if Attorney Funkhouser did not bill 60 hours last year, she doesn't see why he should have a decrease in pay.

Attorney Funkhouser stated he runs a business and he does not want to contract to do all of the city business and not get paid for all of the city business.

Councilman Cooper stated they could hold off until a budget line is created.

Mayor Knowles agreed and added they could start paying Ms. Higgins through the water department for her utility work for the time being.

Attorney Higgins stated the Council then will determine when her firms starts.

Mayor Knowles asked if there were any other questions ?

There were none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilman Cooper stated they now need to decide on a figure in order to get the additional appropriation ordinance rolling. He then moved \$20,000 be appropriated in the Council budget for Ms. Higgins' attorney fees. Seconded by Councilman Angel.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - yes; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Mayor Knowles asked if there was anyone else in the Audience wishing to address the Council ?

Mr. Vince Schu approached the podium and stated he represents Consolidated Grain & Barge and he believes the vice president, Mr. Debelak was at a previous meeting. He added they are also concerned about the safety issues in the Kimball Street/Bluff Road area, safety should come first. He added CGB wants to work with the Council on a resolution until INDOT can provide a safe exit from the port and they will do whatever they can to help push that through. He added he noticed at a previous meeting there had been discussion on making Bluff a one-way street and he believes that may be a viable option. He also suggested possibly having the trucks exit south off Bluff, turn right on Edson, and left onto Sycamore, then right onto Kimball, thus by-passing the curve. He added 70% of the grain CGB receives comes from southeastern Illinois and using the port road exit causes them to make a left turn into all lanes of traffic and could be very dangerous. He stated if they take the by-pass, it adds around 25 minutes to their route and could end up hurting business. He again stated CGB is more than willing to work the Council on a resolution.

Mayor Knowles asked if there were any questions or comments from the Audience on the Kimball Street issue ?

Councilman Tucker stated the Mayor had written INDOT a letter a few weeks back and wondered if there had been any word on that yet ?

Mayor Knowles replied INDOT referred the project to EUTS. She stated they are indication that there is new money available and it looks as though they may be making some progress. She added EUTS will look at the area and do their own traffic counts, they feel it is a viable project.

Councilman Tucker stated the project needs to happen and if the City, CGB, and the port put pressure on, maybe they can get them pinned down to a timeframe.

Mayor Knowles added they could give her no timeframe.

Councilman Cooper stated he spoke with Rep. VanHaften Saturday at a legislative forum and he indicated that on Tuesday he would contact INDOT about the city's concerns and email him later with the results of that conversation. He added he feels they should not entertain that ordinance for third reading tonight.

Councilman Tucker agreed that was fine, as long as the city is doing something.

Councilman Cooper stated they all agree it needs looked into and they could also check the route that Mr. Schu suggested.

Mayor Knowles agreed, for the interim, they need to compromise on both sides. She also wondered if Mr. Wilzbacher could contact INDOT on behalf of the port and carbon copy the EUTS.

Mr. Wilzbacher agreed.

Mayor Knowles asked if there were any other comments ?

There were none.

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

Lorelei Barnes approached the podium and asked about the status of the downtown angle parking ?

Mayor Knowles replied Shane Burkhart is conducting the downtown planning study and recommend the city hold off on that for now, and not do anything hastily. She added he indicated that sometimes angle parking helps, sometimes it doesn't. She also stated that one-way streets tend to speed up the traffic and that is not good for window shopping, though angle parking does help with that.

Ms. Barnes stated her business is extremely slow and lack of parking is an issue.

Mayor Knowles wondered about an interim solution, angle parking may help with that.

Ms. Barnes agreed that angle parking will help somewhat. She wondered if she could post signs in front of her business and the mall that are designated only for their businesses ?

Mayor Knowles replied that could open a can of worms and everyone may want their own parking space which would make things worse.

Councilman Rueger stated if they did that, code enforcement could do that enforcement.

Mayor Knowles replied not during the day.

Councilman Angel wondered about making that area two hour parking only, though he realizes it would be hard to police.

Mayor Knowles agreed and added people would just go out every two hours and move their cars.

Councilman Angel stated the parking lot behind Lucky Lindas needs to be made to look more like parking lot, it is a mess with potholes and no striping.

Councilman Rueger stated employers should just tell their employees to make sure they are not parking in front of businesses.

Mayor Knowles stated there is no incentive to do that for the court's building, as they are not a business with paying customers. She then asked if there were any questions ?

There were none.

Mayor Knowles asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

There was none.

Mayor Knowles asked if there was any New Business ?

There was none.

Mayor Knowles stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she received a phone call about when Tile Factory Road was going to be striped.

Mayor Knowles replied they are working on that, it should have been done already, but there has been bad weather too.

Councilwoman Askren stated they also asked about further down on Tile Factory Road, nearer to Birdland.

Mayor Knowles stated she will talk to Comm. Epison about that.

2nd District Councilman Tucker stated he has no report.

3rd District Councilman Rueger stated he has no report.

4th District Councilman Angel stated he has no report.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilwoman Askren moved the meeting be adjourned. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer